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LETTER DATED 7 MARCH 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 7 March 1997, which I have received from the Principal Deputy High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, Mr. Michael Steiner.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

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Annex

Letter dated 7 March 1997 from the Principal Deputy High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

With reference to the deliberations of the Security Council of the United Nations on the situation in Mostar, please find attached the following documents:

(a) The text of the decisions on Mostar of 12 February 1997 (see appendix I);

(b) A copy of my letter to the Chair of the Presidency of Bosnia and Herzegovina, Mr. Alija Izetbegovic, and the Member of the Presidency, Mr. Kresimir Zubak, of 24 February 1997 (see appendix II), together with an enclosure.

In the meantime, the Minister of Interior of the Herzegovina Neretva Canton has announced the suspension from office of some police officers, including the West Mostar police chief and his deputy, referring to the events in Mostar of 10 February. This would be, if realized, a step in the right direction, but falls short of the conclusions to be drawn from the report of the International Police Task Force (IPTF).

I would be most grateful to you if you could submit the attached documents to the members of the Security Council.

(Signed) Ambassador Michael STEINER
Principal Deputy High Representative

Appendix I

Decisions on Mostar of 12 February 1997

On 12 February, President Izetbegovic, President Zubak, Co-Chairman Silajdzic, Vice-Chairman Tomic, Foreign Minister Prlic, Croatian Democratic Union of Bosnia and Herzegovina (HDZ) President Rajic, Democratic Action Party (SDA) Vice-President and Prime Minister Bicakcic, Mostar Mayor Prskalo and Deputy Mayor Orucevic met in Sarajevo to address the recent events in Mostar. The meeting was chaired by the Principal Deputy High Representative, Mr. Michael Steiner. Also present were the Commander of the Stabilization Force (SFOR), General Crouch, Acting Police Commissioner Wasserman and Head of the Office of the High Representative South, Sir Martin Garrod.

The participants condemned in strongest terms the violent acts committed in Mostar and all provocative acts preceding the present crisis. They equally condemned the evictions of Mostar citizens and the harassments on the road to and from Mostar which followed the events of Monday. They deeply deplored the bloodshed and the loss of life of Mostar citizens. They expressed their condolences to the bereaved and sympathy to those who were injured.

The participants committed themselves to undertake all efforts to calm down tensions, to overcome the present crisis and to implement fully existing Federation agreements, including the Mostar provisions of the Agreed Measures of the Federation Forum of 3 February. All of the facts must be established. They agreed that the recent acts of violence should not go unpunished and that the perpetrators must be brought to justice.

The following decisions were taken:

1. The participants reconfirmed the request to the International Police Task Force (IPTF) to conduct an independent investigation into the events and to submit a report which should, in particular, identify those individuals responsible for the escalation of violence and the attacks on Mostar citizens. They took note of the fact that for this purpose IPTF established an independent investigation team on 11 February. Its findings will be submitted to the principals of the major implementation agencies in Bosnia and Herzegovina and to the Contact Group within one week.

2. The participants committed themselves personally to ensure that IPTF will receive all available evidence and that police forces will cooperate fully and in good faith in the conduct of the investigation. Local police shall comply with all demands by the investigation team and will assist IPTF in all stages of the investigations, including by making all persons immediately available for interviews by the investigators. The operational responsibility for the provision of the evidence to IPTF lies with the Mayor and his Deputy.

3. The participants agreed that they would accept and endorse the report by IPTF in full and that they would draw the necessary conclusions from it, in particular the following:

(a) Perpetrators will be arrested and brought to trial;

(b) Office holders, including police, found responsible of instigating or participating in violent acts will be dismissed from their offices.

4. The participants guaranteed that all citizens who have been evicted from their homes in the course of the recent events would be enabled to return to their apartments without delay. The participants would also give instructions that all persons responsible for illegal evictions should be identified, arrested and prosecuted. All illegal evictions would be stopped. The participants decided that the Cantonal Minister of Interior and his Deputy would be personally responsible for the implementation of this provision and would submit full compliance reports to the Head of the Office of the High Representative South by 18 February. The participants stressed their determination to dismiss those policemen from their duties who in the judgment of IPTF do not cooperate in the implementation of this provision in good faith. They requested IPTF to monitor closely the return of evicted citizens to their homes.

5. The participants appealed to IPTF and SFOR to keep an increased presence in Mostar until the situation had further stabilized and full freedom of movement was re-established. They requested the authorities that the nightly curfew should remain in place and be enforced by the local police forces of Mostar until IPTF has determined that the security situation will allow its suspension.

6. The participants reconfirmed their commitment to the United Police Force of Mostar (UPFM) and will instruct the police in Mostar to participate fully in its work with immediate effect, including the proper functioning of the joint headquarters.

7. The participants took note of the fact that the carrying of long-barrelled weapons by the police in Mostar is not authorized by IPTF and that IPTF/SFOR will continue to confiscate these weapons from both police and civilians. The participants instructed the local police to remove these weapons immediately and hand them over to SFOR.

8. The participants reconfirmed their commitment to full freedom of movement in and around Mostar. They decided that all existing obstacles to freedom of movement and illegal checkpoints would be immediately removed and that the police forces would, upon the instruction of, and in cooperation with, IPTF and SFOR, have prosecuted those who hinder freedom of movement.

9. The participants agreed to reconnect the telephone lines between East and West Mostar immediately and to keep those lines open.

10. The participants deplored inflammatory statements in the media which had aggravated the situation and contributed considerably to the escalation of the crisis in Mostar. They committed themselves to showing maximum restraint and to instructing the authorities of Mostar and the Herzegovina Neretva Canton to do likewise. Decisions of the Media Expert Commission of the Provisional Elections Commission on inflammatory statements will be implemented. The participants requested the Canton Minister of Interior and his Deputy to nominate media

liaison officers to IPTF in Mostar who should disseminate, on a regular basis and as appropriate, reliable information to the media on the security situation in the city.

11. The Principal Deputy High Representative drew the attention of the participants to the request of the Presidency of the European Union (EU) and the Steering Board of the Peace Implementation Conference of 21 January 1997 to the Office of the High Representative to identify those individuals responsible for human rights violations and for serious contravention to the letter and the spirit of the Peace Agreement with a view to barring their travel to Europe and overseas. He announced that on the basis of the findings of the IPTF report he would make recommendations to the EU Governments and to the Steering Board members accordingly.

12. The participants agreed to monitor the situation in Mostar closely and to convene a follow-up meeting as soon as the IPTF report is submitted. The participants requested in particular the media covering the Mostar region to carry the text of this Agreement in full in their news reporting.

In case of any dispute regarding these Decisions, the English language version shall prevail.

Appendix II

Letter dated 24 February 1997 from the Principal Deputy High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Chair of the Presidency and the Member of the Presidency of Bosnia and Herzegovina

Please find enclosed an excerpt from the advance copy of the report of the International Police Task Force (IPTF) in pursuance of the 12 February decisions on Mostar. This report has been submitted to the principals of the major implementation agencies in Bosnia and Herzegovina and the Contact Group today and will form the basis for our meeting with the Federation partners scheduled for Tuesday, 25 February, when decisions on the necessary conclusions will be taken. Please keep this report absolutely confidential until after tomorrow night's meeting.

With the full support of the principals and the Contact Group, I request from you the following:

I. As you will see from the report, the IPTF Special Investigation Group has succeeded in establishing the facts related to the intended Bajram visit to the Kneza Mihajla Humskog/former Liska Street graveyard on 10 February in full. The report contains irrefutable proof that plainclothes and uniformed West Mostar police officers opened fire at the backs of citizens who had at that moment already given up on visiting the graveyard and were retreating. One person was killed and at least 20 persons were wounded.

The investigation did not reveal any provocations justifying the use of force by police. Instead, the investigation has shown that the West Mostar police had received advance notification of the planned visit to the cemetery, had acknowledged the visit and had assigned police officers to the route in advance. There was no connection between the graveyard visit and the festivities on the Rondo. Nevertheless, rather than performing their duty of protecting the public, the police not only participated in but instigated the violence.

It is vital now to demonstrate to the citizens of this country that crimes do not go unpunished. In particular, the following must be undertaken immediately:

1. Ivan Hrkac, Deputy Chief of the West Mostar police, and Zeljko Planinic, West Mostar police officer, have been identified as firing into the retreating marchers on Kneza Mihajla Humskog/former Liska Street on 10 February. One plainclothes officer, Bozo Peric, was identified by witnesses and seen firing into the crowd. They must be dismissed from office and arrested by 26 February and then prosecuted to the full extent of the law.

2. Police officers Zlatko Pavlovic and Josip Cvitanovic have been photographed with their weapons drawn during the shooting. They must be

suspended from their duties by 26 February, and their actions must be criminally investigated and prosecuted to the full extent of the law.

3. Contrary to his obligation to cooperate fully, the Chief of the West Mostar Police, Marko Radic, obstructed the IPTF investigation. He must be dismissed from office by 26 February and replaced by a professional police officer from outside the Mostar region.

Criminal investigations and judicial proceeding relating to all police officers involved in the 10 February incident must proceed promptly and be pursued to the full extent of the law with complete international monitoring.

In addition, as I have announced in Point 11 of the Mostar Decisions, I will recommend to the EU Governments and to the Steering Board members to bar those who have been identified in the report as perpetrators of the violence, including Mr. Hrkac, Mr. Planinic and Mr. Peric, from travelling to Europe and overseas.

II. The shooting of 10 February is inexcusable. But it cannot be seen in a political vacuum. The weeks preceding 10 February saw a sequence of incidents, including grenade attacks on both sides of the city and on the Franciscan Monastery located at the Boulevard, without the political leadership undertaking serious joint efforts to calm down the growing tensions. It is distressing that neither the Mostar Mayor and his Deputy nor the Canton Minister of Interior and his Deputy, notwithstanding their political differences, addressed the public jointly and undertook all efforts to keep extremists in check. Their political performance and their efforts to put an end to inflammatory statements issued by public figures and in the press will have to be monitored closely. I will not hesitate to request your intervention and action of the EU Governments regarding travel restrictions against any politician in the Herzegovina Neretva Canton who continues to pour oil into the flames.

Additional steps need to be taken to further normalize the situation in Mostar and other parts of the Federation. The report states that as information of the violence of 10 February spread, random and sporadic attacks on citizens in locations around the city and on routes out of and into Mostar (M-17) were reported. These attacks involved Bosniak victims, but many of them were also directed against Bosnian Croats. The report states that the failure of the police, both in East and West Mostar, to provide protection to potential and actual victims of the series of cross-ethnic attacks, in the incidents both prior to and after the 10 February event, illustrates the serious absence of professional police leadership throughout the area. Therefore, I request both of you to address this issue and to replace the police leadership on both sides of the Neretva with professional police officers from outside Mostar.

Violence spread beyond Mostar. On 20 February, unknown criminals attacked the Church and Monastery of St. Anthony in Sarajevo with hand grenades. This attack - in particular as it was directed against the Central Bosnian Franciscans who have long stood for tolerance and

multiethnicity - is an assault on these values in Sarajevo, in the Federation and in Bosnia and Herzegovina as a whole.

The principals have requested IPTF and the Human Rights Coordination Centre of the Office of the High Representative to submit an additional report detailing the incidents preceding and following the violence of 10 February for consideration by the Federation partners. The Federation partners must commit themselves to draw all necessary conclusions, including personal consequences for all officials and police officers who have failed to perform their duties.

III. Mostar must be addressed now. But beyond recent events in Mostar, the Federation as a whole is facing a severe crisis. More radical efforts must be undertaken to achieve a turning point in the relations between the peoples of the Federation and their leaders. In particular, you should now commit yourselves personally to speedy implementation of the Sarajevo Protocol, the adoption of a first Law on Municipal Reforms and further progress in building the Mostar institutions. The federation must take a new approach to the media as well. The return of refugees and displaced persons must also be addressed. It is unacceptable that three years after the conclusion of the Washington and Vienna Agreements, return to minority areas within the Federation has not yet really started.

I have enclosed a detailed list of steps to be undertaken following the IPTF report, and of urgent Federation issues on which I will request your agreement tomorrow.

(Signed) Ambassador Michael STEINER
Principal Deputy High Representative

Enclosure

I. IMPLEMENTATION OF THE DECISIONS ON MOSTAR OF 12 FEBRUARY

1. The Reinstatement Team (composed of Mostar police, IPTF and SFOR) formed under point 4 of the decisions on Mostar has now successfully assisted in allowing all persons illegally evicted in the wake of the events on 10 February to return to their homes. The Team will continue its work. In particular, it will reinstate any persons who the Mostar Deputy Federation Ombudsman has determined were illegally evicted, should the authorities fail to act promptly to implement the Ombudsman's findings.

2. While the number of illegal evictions has substantially decreased, the threat of illegal eviction continues to cause many Mostar citizens to fear for their safety in their own homes. The report submitted by the Cantonal Minister of Interior and his Deputy relating to reinstatements will be supplemented by 1 March with an additional report concerning the specific steps taken by the authorities to investigate all cases of illegal evictions, as well as attempted evictions and threats, and to prosecute those responsible, as required by point 4 of the decisions.

3. As of 24 February, point 6 of the decisions on Mostar regarding the commitment to the United Police Force of Mostar and the full participation in its work has not been implemented. President Izetbegovic and President Zubak will ensure that the police receive immediate instructions to resume participation including in the joint headquarters.

4. Freedom of movement, under point 8 of the decisions, has not been fully established. Additional measures must be taken to restore confidence so that the citizens of Mostar feel able to move freely, including the removal of the sleeping policemen on the Boulevard.

5. Implementation of point 10 regarding maximum restraint in public statements remains vital. In particular in light of the findings of the IPTF report, the statement by the Ministry of Interior of the Herzegovina Neretva Canton on the opening of criminal investigations against the Deputy Mayor of Mostar and others in connection with the events of 10 February is unacceptable. The Minister of Interior, Mr. Valentin Coric, is requested to retract immediately this statement publicly.

II. CONCLUSIONS TO BE DRAWN FROM THE IPTF REPORT

1. The IPTF will deliver its report to the Government of the Herzegovina Neretva Canton, to the judicial authorities of the Canton and the West Mostar police for further action.

2. Mr. Ivan Hrkac, Deputy Chief of the West Mostar Police, and Mr. Zeljko Planinic, West Mostar police officer, have been identified as firing at the retreating marchers on Kneza Mihajla Humskog/former Liska Street on 10 February 1997. One plainclothes officer, Bozo Peric, was identified by

witnesses and seen firing into the crowd. The authorities shall immediately dismiss the three men from office and issue arrest warrants for them. The authorities will take all necessary steps to ensure their arrest by 26 February and to prosecute these men to the full extent of the law.

3. Police officers Mr. Zlatko Pavlovic and Mr. Josip Cvitanovic have been photographed with their weapons drawn during the shooting. The authorities shall indefinitely suspend them from their duties by 26 February. A criminal investigation shall be initiated against both men, as well as against the as-yet unidentified police officer who was also photographed with his weapon drawn.

4. The criminal investigation of Mr. Hrkac, Mr. Planinic, Mr. Peric, Mr. Pavlovic and Mr. Cvitanovic will be pursued vigorously and will be completed as soon as possible. Upon completion of the criminal investigation, these cases will be brought to trial before an independent and impartial court and prosecuted to the full extent of the law.

5. All police officers identified as being present at Kneza Mihajla Humskog/former Liska Street on 10 February will be investigated to determine their involvement in the violence. Any police officer who assaulted, without any legal basis, any of the marchers will be immediately suspended from duty and will be criminally prosecuted.

6. Any person convicted in relation to the events of 10 February will be dismissed from office and barred from holding other public office or employment.

7. In accordance with Annex 11 to the Peace Agreement, IPTF will have complete access to any site, person, activity, proceeding, record or other item or event throughout the criminal investigation and legal proceedings. Trials will be open to the public.

8. The Chief of the West Mostar Police, Mr. Marko Radic, did not fulfil his obligations under the decisions on Mostar to cooperate fully and in good faith with the IPTF Special Investigation Group. He will be dismissed from office by 26 February and replaced by a professional police officer from outside the Mostar region.

9. The Principal Deputy High Representative will immediately recommend to the EU Governments and the Steering Board members to bar Mr. Hrkac, Mr. Planinic and Mr. Peric from travelling to Europe and overseas. Should others be found guilty in the upcoming judicial procedures, similar recommendations will be made regarding these persons.

10. The report states that the failure of the police, both in East and West Mostar, to provide protection to potential and actual victims of the series of cross-ethnic attacks prior to and after the 10 February event illustrates the serious absence of professional police leadership throughout the area. Therefore, President Izetbegovic and President Zubak are requested to replace the police leadership on both sides of the Neretva with professional police officers.

III. REQUEST FOR AN ADDITIONAL REPORT BY IPTF AND THE HUMAN RIGHTS COORDINATION CENTRE

IPTF in cooperation with the Human Rights Coordination Centre of the Office of the High Representative will submit an additional report detailing the incidents preceding and following the events of 10 February, including detention and assaults of motorists on the M-17 road. This report will be submitted to the principals of the major implementation agencies in Bosnia and Herzegovina and to the Contact Group within ten days. The Federation partners agree to accept and endorse this report in full and to draw the necessary conclusions from it.

IV. FEDERATION IMPLEMENTATION

1. The Sarajevo Protocol must be implemented without delay. The Sarajevo Working Group shall complete its work within two weeks. The necessary amendments of the Federation and Canton Constitutions shall be adopted by the Assemblies by 14 March. On 15 March, the City Council shall constitute itself, adopt the City Statute and elect the new Mayor of the City of Sarajevo.

2. In parallel, work on the amendments of the Federation and Herzegovina Neretva Canton constitutions regarding Mostar shall be completed and the amendments shall be adopted by the Assemblies by 14 March.

3. The Advisory Commission on municipal reforms shall conclude its work on split municipalities and the formation of a first group of new municipalities as agreed in the Commission by 25 February. The Federation House of Representatives shall adopt the draft law on 28 February.

4. President Izetbegovic and President Zubak will be personally available to ensure that any obstacle to the implementation of points 1 to 3 above will be overcome and the deadlines met.

5. The next Federation Forum will devote its attention to the security situation in the Federation, in particular in central Bosnian municipalities. For this purpose, the Federation Ombudsmen together with the Human Rights Coordination Centre of the Office of the High Representative will prepare a report to be submitted to the Forum.

6. President Izetbegovic and President Zubak agree to a meeting with the Principal Deputy High Representative and the Special Envoy of the Office of the United Nations High Commissioner for Refugees by 7 March concerning return in the Federation in order to decide on how the Federation authorities will overcome present obstacles to return.